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PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

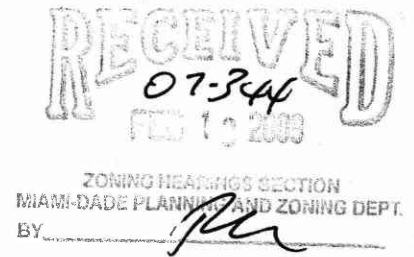
CHECKED BY _____ AMOUNT OF FEE \$1,154.25

RECEIPT # I200926834

DATE HEARD 02/03/09

BY CZAB # 12

BY _____
DATE RECEIVED STAMP _____



This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 07-344

Filed in the name of (Applicant) Ronald Chavez, Ramiro Chavez, Magali Chavez

Name of Appellant, if other than applicant _____

Address/location of APPELLANT'S property: 8300 S.W. 94 Street

Application, or part of Application being Appealed (Explanation): Rezoning from EU-1 to EU-M

Appellant (name): Ronald Chavez, Ramiro Chavez, Magali Chavez

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:

The Community Zoning Appeals Board, in denying the requested district boundary change, based its decision, not on substantial competent evidence in the record, which included a favorable recommendation from the Department of Planning and Zoning and overwhelming neighborhood support, but on a conclusion that, because the property may be a recipient of Severable Use Rights (SURs) and thereby render three lots, the proposed rezoning would be incompatible with the area. The evidence in the record, including a staff recommendation in favor of the application, reflected that the Miami-Dade County Comprehensive Development Master Plan ("CDMP") designated the property Estate Density Residential allowing development from 1.0 to 2.5 dwelling units per acre. The requested EU-M zoning abuts the property to the north and east, and there is numerous precedent for rezonings from EU-1 to EU-M in the immediate vicinity. The CDMP provides that "[i]n order to efficiently use, and no prematurely deplete, the finite development capacity that exists inside the Plan's Urban Development Boundary (UDB), land should not be developed at densities lower than the minimum established for each category." In addition, CDMP Page I-20 provides that "Miami-Dade County shall continue to encourage and promote the transfer of Severable Use Rights from lands which are allocated SURs in Chapter 33B, Code of Miami-Dade County, to land located within the Urban Development Boundary as designated on the LUP map." The property's current density of 0.80 is 20% lower than the minimum density of 1.0 established by the CDMP. Accordingly, rezoning the Property within the range provided by the CDMP is not only warranted, but a denial of the rezoning request to develop the property within the permissible range would be inconsistent with the Goals, Objectives and Policies of the CDMP. The Community Zoning Appeals Board's action was therefore arbitrary and should be reversed.

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FEB 13 2009

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.
BY PC

BY _____
DATE RECEIVED STAMP _____

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APPELLANT'S AFFIDAVIT OF STANDING

STATE OF Florida
COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Ronald Chavez, Ramiro Chavez, Magali Chavez (Appellants) who was sworn and says that the Appellant has standing to file the attached appeal of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record In Community Zoning Appeals Board matter because of the following:

(Check all that apply)

1. Participation at the hearing
X 2. Original Applicant
 3. Written objection, waiver or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury I and that under penalties of perjury I Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Elizabeth Egas
Signature

Elizabeth Egas
Print Name

Frank R. Egas
Signature

Frank R. Egas
Print Name

Ronald Chavez
Appellant's Signature

Ronald Chavez
Print Name

Ramiro Chavez
Appellant's Signature

Ramiro Chavez
Print Name

Magali Chavez
Appellant's Signature

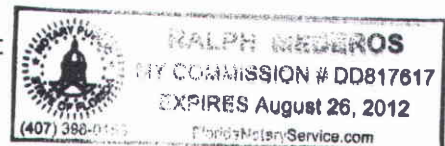
Magali Chavez
Print Name

Sworn to and subscribed before me on the 10th day of Feb year 2009.
Appellant is personally know to me or has produced Identification as
identification.

(stamp/seal)

Notary Public

Commission Expires:



APPELLANT MUST SIGN THIS PAGE

Date 10th day of Feb, year: 2009

Signed _____

Ronald Chavez

8300 SW 94 St

Mailing Address

305-986-0651

Phone

Fax

Signed _____

Ramiro Chavez

8300 SW 94 St

Mailing Address

305-223-5831

Phone

Fax

Signed _____

Magali Chavez

8400 SW 94 St

Mailing Address

305-223-5831

Phone

Fax

Subscribed and Sworn to before me on the 10th day of FEB, year 2009

Notary Public

(stamp/seal)



Commission Expires:

IN copy of Melissa T. Llahues
200 S. Biscayne Blvd
Suite 850
Miami FL 33131